

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion into Competition for
Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion into Competition for
Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)

**ADMINISTRATIVE LAW JUDGE'S RULING
DENYING MOTION TO SUSPEND
DISTRIBUTION AND TO REVISE PUBLIC NOTICE**

On November 21, 2005, the Telephone Connection of Los Angeles, Inc. and the Telephone Connection Local Services, LLC (collectively, TCLA) filed a motion seeking an order to temporarily suspend the distribution of, and revise in part, the public notice to customers of the 310/424 area code overlay that was previously directed in Decision (D.) 05-08-040.

As noted in the TCLA motion, the Commission's Telecommunications Division approved a form of notice drafted by the 310/424 Public Education Program, to be distributed to all customers in the 310/424 area code overlay region. TCLA claims, however, that the instructions contained in the notice are in violation of dialing parity rules of this Commission as well as of the Federal Communications Commission (FCC). TCLA claims that the notice, as currently written, favors wireless carriers. The notice instructs customers of wireless carriers that they are not required to dial a "1" preceding the area code and

seven-digit line number, while customers of landline carriers must dial the “1” preceding all numbers dialed within the area code overlay region.

TCLA seeks to have the public notice revised to instruct all customers, regardless of the technology employed, to dial a “1” preceding the area code and seven-digit line number to reach other telephone numbers within the 310/424 area code overlay region. TCLA claims that this revision can be accomplished with little delay in the overlay implementation schedule assuming that the Commission rules on the motion no later than November 30, 2005.

Comments in opposition to the motion were filed jointly by Pacific Bell Telephone Company dba SBC California (SBC) and Verizon California Inc. (Verizon). A separate joint opposition was filed by T-Mobile and Cingular Wireless.

Opposing parties claim that it is too late to suspend the schedule for the distribution of the public notices, as requested by TCLA. SBC and Verizon indicate that they have already printed all of the required notices (approximately 800,000) and have mailed the majority of them. They argue that to start with a new notice at this point would be inconsistent with D.05-11-033, would confuse customers, and would delay the overlay implementation schedule. Opposing parties also point out that subsequent to TCLA’s filing of its motion, the Commission issued D.05-11-033, denying the application for rehearing of D.05-08-040 on the issue of 1+10-digit dialing.

Discussion

The motion of TCLA is denied. As pointed out by opposing parties, public notices have already been prepared and the majority of them have been mailed. D.05-11-033 required that public notice of the overlay be made no later than 90 days from August 25, 2005, the effective date of the Commission’s order.

Accordingly, the prescribed deadline was November 25, 2005. Thus, as a practical matter, it is too late to order a suspension of the public notice process prescribed in D.05-11-033, even assuming that such an action was otherwise warranted.

More fundamentally, however, TCLA has provided no basis to require that a new public notice be produced that provides dialing instructions contrary to what has already been mailed. The revision in the notice sought by TCLA would be in conflict with the instructions for dialing as prescribed in D.05-11-033, approving the 310/424 area code overlay. Moreover, the Commission has already denied the Application for Rehearing of D.05-11-033 and concluded that TCLA's claim is "speculative" that 1+10-digit dialing places wireline carriers at a competitive disadvantage. Accordingly, there is no basis for granting the TCLA motion to require a new public notice that would be contrary to the dialing instructions prescribed by D.05-11-033.

IT IS RULED that the Telephone Connection of Los Angeles, Inc. and the Telephone Connection Local Services, LLC (collectively, TCLA) Motion to suspend and revise the 310/424 area code overlay public notice is denied.

Dated November 29, 2005, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Motion to Suspend Distribution and to Revise Public Notice on all parties of record in this proceeding or their attorneys of record.

Dated November 29, 2005, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.